

Serial No. 09/833,947
Response to Final
Office Action of 10/7/2004

Applicant: STALEY

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REMARKS

This is in response to the final Office Action of October 7, 2004. Claims 1 and 9 are allowed. Claim 2 is rejected "under 35 U.S.C. 103(a) as being unpatentable over Pasawicz (US Patent No. 6,329,943) in view of Stottile (US Patent No. 5,203,622). This rejection is traversed.

In support of this rejection, the Examiner alleges "it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide a single or common power source to operate both the infrared light emitting diode and the light bulb." This rejection and the examiner's opinion as to what would have been obvious are traversed, particularly, in view of the fact that there is no suggestion anywhere in the prior art to make the changes in applicant's device as disclosed and claimed and which the Examiner merely dismissed as being obvious. The prior art structures are such that a common power source is not technically feasible.

More specifically, the Examiner has allowed Claims 1 and 9. The Examiner has rejected Claim 2 based on a combination of the teachings of Pasawicz and Stottile. The subject matter of dependent Claim 3 has been introduced into independent Claim 2 and, as a result, new Claim 2 defines applicant's invention in terms which are more clear than that of the prior art and in

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terms which more particularly point out and distinctly claim applicant's invention in terms neither disclosed nor suggested in the prior art. Specifically claimed is the convenient orientation of the light emitting diode and the light bulb being positioned in a fixed manner at opposite ends of the housing. Such is not disclosed or suggested in the prior art. In this manner, light is projected in opposite directions at all times when the light sources are on along a common axis which, again, is not disclosed or suggested in the prior art. In addition, specifically claimed is that the power source is a common power source for being electrically coupled to the infrared light emitting diode and the light bulb which, once again, is not disclosed or suggested in the prior art because it would not have been technologically feasible in the prior art structures. None of these features are disclosed in the prior art cited and applied by the Examiner and none of these features are suggested by the references taken alone or in combination.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to

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anticipate applicant's invention for the reasons set forth herein above.

It is deemed that all grounds of objection and rejection have been overcome. Reconsideration and a Notice of Allowance are requested.

If the Examiner is not of the opinion that the application is in condition for allowance, he is requested to enter this response for purposes of appeal.